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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,143	11/27/2001	Randolph Allan Fry		9995

27870 7590 09/10/2004

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,143

Applicant(s)

FRY, RANDOLPH ALLAN

Examiner

CESAR B PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to the application filed on 11/27/2001.

This action is made Non-Final.

2. Claims 1-5 are pending in the case. Claim 1 is an independent claim.

Drawings

3. The drawings filed on 11/27/2001 have been approved by the examiner.

Claim Rejections - 35 USC § 112

4. Appropriate corrections were made to claim 2, therefore its 112 first and second paragraph rejections have been withdrawn.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the reference" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. There is no previous mention of a "reference" in this claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo et al (Pat. # 6,684,369, 1/27/2004, filed on 1/19/1998).

Regarding independent claim 1, Bernardo teaches the creation of links to other web pages (col.9, lines 57-67, and col.10, lines 14-17, 41-53). In other words, an HTML web page is provided, where a content formatted using HTML--*markup language element and content upon which it operates*.

Moreover, Bernardo teaches the creation and update of web pages, and links having a URL to the provided web page (col.9, lines 57-67, and col.10, lines 14-17, 41-53). Bernardo fails to explicitly disclose *markup language element and content is available for retrieval and update*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have retrieved and update the linked to web page, because Bernardo teaches the modification of web pages in a finished web site without the need of changing the code (col.3, lines 28-33).

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Furthermore, Bernardo teaches the display of webpage and links—*associated content in a hyperedit link*-- to other web pages (col.9, lines 57-67, and col.10, lines 14-17, 41-53).

Regarding claim 2, which depends on claim 1, Bernardo teaches the display of web page as a result of selecting a link to this web page (col.9, lines 57-67, and col.10, lines 41-53).

Regarding claim 3, which depends on claim 2, Bernardo teaches the creation and editing of web pages in the HTML language using form views (col.9, lines 1-36, and col.10, lines 1-17, 41-53).

Regarding claim 4, which depends on claim 3, Bernardo teaches the creation and update of web pages, having frames and URL—*associated* links to other web pages (col.9, lines 57-67, and col.10, lines 14-17, 41-53).

Regarding claim 5, which depends on claim 1, Bernardo teaches the creation and update of web pages in the HTML language (col.10, lines 14-17, 41-53).

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Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sweet et al (Pat. # 6,415,278), Schilit et al. (Pat. # 6,356,922), Davidson et al. (Pat. # 6,083,276), Genter (Pat. # 5,724,595), Cohen et al. (Pat. # 5,367,621), and Lewis (Pat. # 5,355,472).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is **(703) 306-5543 (571) 272-2148 as of 10/12/04**. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (703) 308-5465 ((571) 272-4124 as of 10/12/04). However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- **(703) 703-872-9306**, (for all Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

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Arlington, VA, Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read "Cesar B Paula". The signature is fluid and cursive, with the first name "Cesar" and last name "Paula" clearly distinguishable.

CESAR B PAULA
Patent Examiner
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9/7/04